

REMARKS

This is in response to the Office Action dated September 12, 2006. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

Initially, the Examiner is requested to reconsider and clarify the decision to maintain the restriction/election requirement. In response to Applicants' traversal, the Examiner states:

"Each species would require a separate search in view of their mutually exclusive characteristics, and these individual searches would not be co-extensive"

However, the restriction requirement was not an "election of species", and therefore the Examiner's rationale for maintaining the requirement is not understood. Furthermore, Applicants do not argue that the Examiner could have, prior to first action, taken the position that the claimed inventions are either independent or distinct from the other, and that the different fields of search could be a serious burden. However, in this case, the Examiner chose to give a complete action on the method and the apparatus. In other words, the Examiner has already completed both fields of search. Thus, there is no longer a serious burden which is a necessary requirement of every restriction. If the Office is able to assert that a serious burden exists in this case, then this necessary requirement of every restriction is meaningless.

Accordingly, the Examiner is respectfully requested to withdraw the requirement for restriction. In the event that the Examiner decides to maintain the restriction

requirement, then the Examiner is again requested to explain how there could be a serious burden if restriction was not required.

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Next, in items 3-6 (pages 2-3) of the Office Action, claims 1 and 2 are rejected based on the Examiner's contention that the language "by means of" refers to apparatus limitations in a method claim. In response, this language has been deleted from claims 1-2, and thus these rejections are now clearly obviated.

By the above amendments, claims 2 and 7 have been cancelled; and claims 1, 3-6 and 8-10 have been amended. Thus claims 1, 3-6 and 8-10 are currently pending in the present application. Claims 11-12 have been withdrawn from further consideration.

Next, on pages 4-5 of the Office Action, claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fenel (U.S. Patent No. 4,722,216). It is submitted that the present invention, as embodied by the amended claims, now clearly distinguishes over Fenel patent for the following reasons.

Claim 1 has been amended to recite that the parallel swaging operation employs a cylindrical die that translates axially along and relative to the blank tube and the mandrel. In particular, claim 1 requires, *inter alia*, "applying a parallel swaging operation by translating a cylindrical die axially along and relative to the blank tube and the mandrel so as to cause the blank tube to contact tightly with the mandrel."

Fencil discloses a "radial" forging method in which a tubular metal workpiece

undergoes radial forging (see Fig. 4). However, the Fencil method does not employ a die that is cylindrical and translates axially along and relative to a blank tube and a mandrel 21.

In Fencil, the dies 20 are arranged circumferentially around a workpiece 10, and each die is urged radially inwardly in a first shrink forming pass in order to decrease the diameter of the workpiece (see Figs. 2-3). After the dies 20 deform the workpiece at one point along the length of the workpiece, the dies are moved radially outwardly away from the workpiece, and then are axially shifted to an adjacent point.

Clearly, Fencil does not employ a cylindrical die, and therefore cannot meet the method step of claim 1 which requires applying a parallel swaging operation by translating a cylindrical die axially along and relative to the blank tube and the mandrel so as to cause the blank tube to contact tightly with the mandrel. Note that the operation of each die in Fencil is similar to the push-die 33 of the present application, rather than the cylindrical die.

The remaining claims depend ultimately from claim 1, and therefore are allowable at least by virtue of their dependencies.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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